

UNITED STATES OF AMERICA  
UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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JONATHAN CASTILLO,

Petitioner,

Case No. 1:12-cv-1386

v.

Honorable Paul L. Maloney

WILLIE SMITH,

Respondent.

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**ORDER**

On December 28, 2012, the Court entered an order of deficiency (docket #5) because Petitioner had failed to pay the \$5.00 filing fee for a habeas corpus action or to file any of the documents required by Rule 3 of the Rules Governing § 2254 Cases to apply to proceed *in forma pauperis*. The Court allowed 28 days for Petitioner to comply. Petitioner was warned that if he failed to comply the Court would presume that he was not proceeding *in forma pauperis*, and dismiss his case for want of prosecution.

More than 28 days have elapsed. Petitioner did not submit the \$5.00 filing fee or the requisite documents to apply to proceed *in forma pauperis*. Because Petitioner has failed to comply with the Court's order, dismissal of this action without prejudice for want of prosecution is appropriate. Therefore, the Court will issue a Judgment dismissing the action without prejudice.

Dated: March 1, 2013

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge